

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL GEORGE VERZALENO, SR.,

Defendant.

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) Docket Number
) 1:23-00323-PX-2
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TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE PAULA XINIS
UNITED STATES DISTRICT COURT JUDGE
MONDAY, MARCH 24, 2025, AT 1:48 P.M.

APPEARANCES:

On Behalf of the Plaintiff:

BY: JOSEPH WENNER, ESQUIRE
TIMOTHY HAGAN, ESQUIRE
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(Appearances continued:)

COMPUTER-AIDED TRANSCRIPTION OF STENOTYPED NOTES

1 On Behalf of the Defendant:

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5 BY: BRUCE L. MARCUS, ESQUIRE
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9 ALSO PRESENT: Michael G. Verzaleno, Sr., Defendant
10 Erik Finneyfrock, Probation
11 Rachel Solomon, IRS
12 Dan Rzepecki, FBI
13 Peter Flack, FBI
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P R O C E E D I N G S

(Court called to order.)

DEPUTY CLERK: All rise. The United States District Court for the District of Maryland is now in session. The Honorable Paula Xinis presiding.

THE COURT: All right, everyone. You all can have a seat.

Government, call the case.

MR. WENNER: Thank you, Your Honor. The government calls United States of America v. Michael Verzaleno, Sr., Case Number PX-23-323.

Good afternoon, Your Honor. Joseph Wenner on behalf of the government. I'm joined at counsels' table by Tim Hagan, fellow AUSA; Rachel Solomon from the IRS; and Daniel Rzepecki and Pete Flack from the FBI.

THE COURT: Okay. Good afternoon.

MR. INTRATER: Good afternoon, Your Honor. Zach Intrater for Michael Verzaleno, Sr., who is standing to my left.

MR. MARCUS: Please the Court, Bruce Marcus also on behalf of Mr. Verzaleno, Sr.

MS. PATTERSON: Good afternoon, Your Honor. Sydney Patterson also on behalf of Mr. Verzaleno.

THE COURT: Okay. Good afternoon, Mr. Verzaleno.

THE DEFENDANT: Good afternoon, Your Honor.

1 **THE COURT:** Today is your sentencing, and my first
2 question for you is, have you had enough time to review the
3 presentence report with your counsel so we can go forward
4 today?

5 **THE DEFENDANT:** Yes, I have.

6 **THE COURT:** Okay. And have you reviewed the standard
7 and the mandatory conditions of supervision which are listed in
8 the presentence report?

9 **THE DEFENDANT:** Yes, I have.

10 **THE COURT:** Do you understand those conditions?

11 **THE DEFENDANT:** I do.

12 **THE COURT:** If I impose them, do you agree to abide
13 by them?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Okay. Mr. Intrater -- am I saying your
16 name right?

17 **MR. INTRATER:** Yes, Your Honor. Thank you.

18 **THE COURT:** Any objections to any of the standard or
19 mandatory conditions?

20 **MR. INTRATER:** No, Your Honor, none.

21 **THE COURT:** And I forgot to ask Mr. Vartan this, but
22 do you waive my formal reading of each and every condition into
23 the record?

24 **MR. INTRATER:** I most certainly do, Your Honor.

25 **THE COURT:** Okay. Thank you.

1 All right. Do you have any additions, corrections or
2 changes to the presentence report?

3 **MR. INTRATER:** Your Honor, other than those that were
4 noted in our papers, we have none.

5 **THE COURT:** Okay. Well, you're going to have to
6 remind me what they are, because in the presentence report
7 itself, it says that there isn't any objection. Am I reading
8 that right?

9 **MR. INTRATER:** Your Honor, it's -- I apologize, Your
10 Honor. It's simply that the PSR comes to a different
11 offense -- different guideline calculation than the parties
12 did.

13 **THE COURT:** Because of the agreed-upon two-level
14 variance?

15 **MR. INTRATER:** Correct. Yes, Your Honor.

16 **THE COURT:** So what I had said in court earlier will
17 apply here, which is that the guidelines are correctly
18 calculated, and that it wouldn't have been Probation's job to
19 account for the agreed-upon variance, so I'm not going to
20 change the presentence report, but obviously you're free to
21 argue for that variance.

22 **MR. INTRATER:** Understood, Your Honor. And we agree.
23 Thank you.

24 **THE COURT:** Okay. Thank you.

25 Government, any additions, corrections or changes to the

1 presentence report?

2 **MR. WENNER:** No, Your Honor.

3 **THE COURT:** Okay. Mr. Finneyfrock, good to see you.

4 **PROBATION OFFICER:** Good afternoon, Your Honor.

5 **THE COURT:** Thank you for a well-done report on
6 behalf Mr. Verzaleno, Sr., and I appreciate it and I adopt it
7 in total.

8 Okay. So let me -- we're going to proceed in the same
9 fashion as we did with Mr. Verzaleno, Jr. I'll hear first from
10 the government, and then from counsel. I will take into
11 account the victim impact statement that Mr. Pisano made
12 earlier. And if there's anyone who you wish to be called to be
13 heard, I'll let you decide, Mr. Intrater, when you want to do
14 that.

15 And then, Mr. Verzaleno, at the end, you will have
16 opportunity to be heard, if you wish. Okay? All right. Very
17 good.

18 Mr. Wenner?

19 **MR. WENNER:** Thank you very much, Your Honor.

20 In this case, as laid out in the government's sentencing
21 memorandum, the government's position is that a sentence of
22 16 months' incarceration is the sentence that is sufficient but
23 not greater than necessary to meet the goals of sentencing. I
24 recognize that due to the previous sentence, the lay of the
25 land has changed since the submission of the presentence

1 report.

2 But I thought it would still be helpful for Your Honor for
3 the government to walk through Mr. Verzaleno, Sr.'s, role in
4 this scheme, and then I'm happy to answer any other questions
5 that your government -- excuse me, that Your Honor has on your
6 mind when determining the sentence here.

7 **THE COURT:** Okay.

8 **MR. WENNER:** So Mr. Verzaleno's scheme -- excuse me,
9 role in this scheme, as laid out in the sentencing papers and
10 to the government's understanding, is primarily twofold.

11 First, Mr. Verzaleno, Sr., was the primary contact of
12 Mr. Criscuolo, another individual who helped introduce the
13 Verzalenos to Mr. DiNoto and bring them into the fraudulent
14 billing conduct Mr. DiNoto and Mr. Criscuolo were conducting at
15 C and A.

16 After Mr. Verzaleno, Sr., was introduced through
17 Mr. Criscuolo, Mr. Criscuolo was the primary contact with
18 Mr. Criscuolo [sic] throughout the years of the scheme.
19 Mr. Criscuolo, even though he was not an employee at C and A,
20 he still received a number of kickbacks related to the false
21 invoices that C and A submitted -- excuse me, that KSC
22 submitted to C and A. I've always thought of this as kind of a
23 finder's fee, given that Mr. Criscuolo introduced the two of
24 them together and started the scheme that was perpetuated by
25 Mr. DiNoto and the Verzalenos.

1 But in any event, Mr. Verzaleno, Sr., in the initial years
2 of this scheme, was the primary contact with Mr. Criscuolo.

3 The other role that Mr. Verzaleno, Sr., played in this
4 scheme is perpetuating the false invoices and billing materials
5 that were produced in support of the scheme.

6 So for the legitimate deliveries, Your Honor, the bill of
7 lading was created in KSC's office on -- this is the colored
8 carbon paper that is discussed in the government's memo -- on
9 the white sheet on top, there -- the list of the specific drums
10 and containers that were ordered, and the quantity was written
11 down on this bill of lading.

12 Then the first -- the bill of lading was then provided to
13 the delivery drivers, who would then drive the containers down
14 to Maryland to the C and A facility that Mr. DiNoto oversaw.
15 And then the -- for these legitimate deliveries, someone at
16 C and A would initial the top of the white sheets on that bill
17 of lading, the driver would initial it as well, and they would
18 be brought back to KSC. That's how the legitimate deliveries
19 were recorded and executed.

20 Now, for these false deliveries, there were no deliveries
21 made, so there was no opportunity to get a signature from the
22 delivery driver. And the signatures from someone at C and A
23 also wouldn't be able to be affixed to any delivery papers
24 because there was no delivery that occurred.

25 So this is where Mr. Verzaleno, Sr., entered, because

1 Mr. Verzaleno, Sr., took the lead on creating the false bills
2 of lading that he then gave to his bookkeepers so they could
3 generate the false invoices that would be sent to C and A. So
4 he would start with a blank bill of lading, and on that,
5 fabricate the drum order that would be falsely billed to
6 C and A. He would list quantities and types of drums, put the
7 prices next to each of the drum types, and calculate the
8 subtotal.

9 Once he finished that, this would then be given to a
10 billing clerk at C and A, and it would be recorded in C and A's
11 logbook.

12 So for the vast majority of false invoices that were
13 billed to C and A and that added up to the \$3.5 million loss
14 amount, the vast majority of these started with the actions of
15 Mr. Verzaleno, Sr., who created each of these bills of lading,
16 which led to the invoices, and the -- those invoices were then
17 sent to C and A.

18 So although the parties have agreed to the minor
19 participant two-level reduction as part of the plea agreement,
20 that, nevertheless, Mr. Senior was a knowing and willing
21 participant in this scheme given his role in creating the
22 invoices that led to the staggering loss amount in this case.
23 And he did so over this seven-year period that the entirety of
24 the scheme occurred. There's no question that he was a part of
25 this for the entirety of the charged conspiracy, Your Honor.

1 Mr. -- in that first couple of years, as well, Your Honor,
2 Mr. Verzaleno, Sr., also gave Mr. Criscuolo his cash kickbacks
3 directly in an envelope.

4 And also, Your Honor, there's no dispute that Mr. Senior
5 directly financially benefited from this false billing scheme
6 as an owner of KSC, unlike Ms. Carrano, who will proceed after
7 this.

8 And it is this consistent conduct that drove the
9 government's recommendation in its sentencing, Your Honor. I
10 won't belabor the similar points that I made in the previous
11 hearing, but those still apply here. This was a lengthy scheme
12 for seven years that the defendants, Mr. Verzaleno, Sr.,
13 specifically, had to take deliberate action to perpetuate and
14 execute.

15 Every time he created a false bill of lading, that further
16 perpetuated the scheme and increased the loss amount. Every
17 time he created one of them, it was an opportunity to stop the
18 scheme; and nevertheless, he persisted throughout the seven
19 years of those -- of this particular charged conspiracy.

20 Your Honor, the only -- I would also just note in
21 comparing this case to Urcioli's sentence, I think the
22 comparison might be more apt given the age -- comparative age
23 of the two defendants.

24 The government landed on its recommendation here for a
25 number of reasons, Your Honor. I think first, again, as I

1 mentioned earlier, the government still requested an
2 incarceratory sentence with Mr. Urcioli. And here, recognizing
3 the reality of Mr. Urcioli's sentence, the government does not
4 object to a variance downward of two levels to keep that into
5 account.

6 However, the fact that the extensiveness of this conduct,
7 the fact that Mr. Verzaleno executed this scheme very recently
8 while he was at an advanced age, still counsels the government
9 to recommend an incarcerative sentence here.

10 And finally, Your Honor, the points for general deterrence
11 here I think are still applicable. This is another corporate
12 executive who participated in a corporate fraud of millions of
13 dollars for another family business that, as you heard earlier
14 today, is still recovering, and whose employees are still
15 feeling the collateral effects of this large and brazen scheme.

16 Your Honor, given those points, I'm happy to answer any
17 particular questions you have as to Mr. Verzaleno, Sr.
18 Otherwise, I would rest on statements previously made and the
19 government's submission.

20 **THE COURT:** If you can answer it, what is the source
21 of the evidence as to how -- as to how Mr. Verzaleno, Sr., in
22 the beginning, paid off the kickbacks? This sort of, you know,
23 cash in folded bills and all that. What's the source of that
24 information?

25 **MR. WENNER:** That would be witness testimony, Your

1 Honor. And I think if we go under seal, I'm happy to give,
2 like, more specifics about who would have provided that
3 testimony. But that is the -- that is the source.

4 **THE COURT:** Okay. We can do that. If the -- if
5 counsel would approach, I would appreciate it.

6 (Conference on the sealed record.)

7 (It is the policy of this court that every guilty plea and
8 sentencing proceeding include a bench conference concerning
9 whether the defendant is or is not cooperating.)

10 (The following was held in open court:)

11 **MR. WENNER:** If there are no other questions, Your
12 Honor, the government would rest.

13 **THE COURT:** Okay. Thank you, I appreciate it,
14 Mr. Wenner.

15 All right. Mr. Intrater?

16 **MR. INTRATER:** Your Honor, thank you very much.

17 You were very kind to Mr. Oliver when he was clearly
18 nervous. I am also quite nervous, even though I am supposed to
19 be doing this for a living.

20 And the primary reason is that I have gotten to know Mike
21 Verzaleno, Sr., over the course of more than three years. And
22 I find him personally, although I know my opinion is the least
23 important in the room, to be a remarkable individual. And I am
24 nervous, Your Honor, because it truly is an honor and a
25 privilege to represent someone like Mike Verzaleno, Sr.

1 I think it was said at the last proceeding that there are
2 not a lot of Mike Verzalenos in New Jersey, but there is one
3 other one, and that is my client. And I don't think that there
4 are many criminal sentencings which are a point of pride for
5 defendants. And I know, I know that this sentencing is
6 enormously shameful for Michael Verzaleno, Sr.

7 But, Judge, it would be impossible for any person, let
8 alone any father, to observe the support and the good works
9 that your son has filled his life with and not feel some sense
10 of pride.

11 And so for Mike Verzaleno, Sr., today is a complicated
12 day.

13 Mike Verzaleno, Sr., said to me, and I put it in the memo,
14 walking out of a courtroom just like this one, at one of the
15 prior hearings, that this case and, critically, his actions in
16 this case, his actions, have been the worst time of his life.
17 And Mike Senior does not talk a lot. And so when he speaks,
18 you should listen carefully.

19 And as I got to know Mike further, the notion that this
20 case was the worst thing that had ever happened to him was
21 truly put into sharp focus because Mike Senior is someone who
22 has undergone tremendous pain and tremendous trauma.

23 It's easy to say that someone took over a family business.
24 It's sort of anodyne, it doesn't really tell you much.

25 The circumstances in which Mike Verzaleno, Sr., took over

1 this company could not be more tragic. I'm not going to get
2 into it in open court, but they were.

3 And at the age of 19, Mike Senior was faced with a
4 decision, and Mike Senior decided to live his life in one
5 particular way. Mike Senior decided to show up. Mike Senior
6 shows up.

7 We don't have 71 letters, we have 11. But in those 11,
8 one singular common theme shines forth, which is that Mike
9 Senior shows up. For 65 years, he has been working essentially
10 full-time. He has shown up. For his generations of employees,
11 he has shown up. And most critically, for his family who
12 throughout the years has needed him desperately, and who today
13 need him desperately, he has always, always shown up.

14 There are other family dynamics which we set forth in our
15 papers, Judge, which, again, I don't want to belabor. But
16 suffice it to say that when his family members have needed him,
17 when his grandson needed him, Mike Senior didn't send money, he
18 didn't hire someone, he took his grandson into his own home.

19 When Mike Senior's mother needed him, he took her into his
20 own home for years; when his mother-in-law needed him, he took
21 her in for years; when anyone else in his family needed a ride,
22 needed some kind of emotional comfort, some kind of support,
23 the rock in their lives has been Mike Senior.

24 And those traits are ones that he clearly has passed on to
25 his son. And so the effects of how Mike Senior has lived his

1 life can be seen in this courtroom.

2 None of that, none of that is any justification or excuse
3 for having participated in this federal crime, because that's
4 what he did. There is a lot to quibble with, and I think
5 quibble is probably the most gentle word that I could possibly
6 use, with how the government approached this case.

7 To be so confident that you have a \$9 million loss in your
8 indictment, and yet here today, they are so confident that
9 their numbers are three and a half, well, how did that happen
10 exactly?

11 To say that a 79-year-old man with an offense level of 12
12 in an agreement that you negotiate, as the government, deserves
13 16 months' incarceration, when you, as the government, know
14 that Anthony Urcioli, Sr., I looked it up on the docket, his
15 plea agreement was at a level 29. Mike Senior is at a 12.

16 **THE COURT:** I don't see a 12. Can you help me out
17 with that? I see a 16 and then the agreed-upon in the -- yeah.

18 **MR. INTRATER:** Sure. So there's a two-point downward
19 variance for health.

20 **THE COURT:** Right. Yep.

21 **MR. INTRATER:** And then a two-point downward variance
22 for unwarranted sentencing disparities.

23 **THE COURT:** Okay. I see. I missed that.

24 **MR. INTRATER:** Right?

25 **THE COURT:** Yeah. Okay.

1 **MR. INTRATER:** So now you get to a 12.

2 But let's say he's a 16, and Urcioli Senior is a 29,
3 Urcioli orchestrates \$20 million in fraud. And indeed, from my
4 understanding, there was no legitimate business being done with
5 Urcioli's company, and then Urcioli Senior tries to deduct the
6 kickbacks. He gets time served.

7 And then the government says no, no, but give Mike Senior
8 16 months. Urcioli was 78, Mike 79. Urcioli had dialysis;
9 Mike Senior had cancer, has cancer, and has been on treatments
10 for years which have debilitated him. He continues to have
11 serious spinal issues. But, no, 16 months, that's the right
12 sentence.

13 It's not the right sentence.

14 And Your Honor's deeply considered, thoughtful analysis
15 for Mike Verzaleno, Sr., applies equally, I would submit here.

16 **THE COURT:** You mean Junior?

17 **MR. INTRATER:** I'm sorry, for Junior, correct.
18 Right. I've got Senior on my mind, as you can tell.

19 **THE COURT:** Okay. Yeah.

20 **MR. INTRATER:** Even if Urcioli -- even if Mike
21 Verzaleno, Jr., had not existed, 3553(a)(6) would be, in my
22 view, preclusive. There's no universe in which Urcioli Senior
23 has a sentence of time served, and the government can say that
24 16 months is an appropriate sentence.

25 **THE COURT:** Didn't -- I mean, again, just to play

1 devil's advocate.

2 **MR. INTRATER:** Sure.

3 **THE COURT:** It's not predictive of where I am, but in
4 Mr. Urcioli's case, what I call, is that there was actually
5 evidence that the Bureau of Prisons said they could handle it,
6 but they couldn't handle all of the constellation of all of his
7 medical issues.

8 I -- I accept that Mr. Verzaleno has chronic physical
9 serious issues. I don't see the same presentation in terms of
10 whether BOP can or cannot handle it. So maybe you can speak to
11 that a little bit.

12 **MR. INTRATER:** Sure. Look, we -- I am not trying to
13 play a game of who is sicker. Okay? I'm really not.

14 What I am trying to say, Judge, is that from what I heard
15 just this morning, I believe Mr. Urcioli Senior, thank God, is
16 still around, still kicking. I don't know if he's still in
17 business or not, but God bless, right? As of today, he's still
18 with us, which, again, is a great thing.

19 We have not analyzed whether or not the Bureau of Prisons
20 would be incapable of handling Senior. What we say is that
21 there's no reason to have -- have them make that determination.
22 None at all.

23 With the -- with the recognition that, A, the role in the
24 offense is totally different; B, the scale of it is totally
25 different; C, the fact that of all of these providers, again,

1 not making excuses, but of all of these providers, the only
2 ones who were shipping real product were -- were -- to C and A
3 were Kearny Steel and NPS, right, all of those things militate
4 towards a more lenient service for Senior than for Urcioli, all
5 of those things.

6 But, of course, the Court's sentence of Mike
7 Verzaleno, Jr., does now exist, he's newly born into the world.
8 And given that sentence, and comparing this defendant to that
9 one -- and I understand, Judge, that Mike Verzaleno, Jr.'s,
10 role in his employees' lives, which is magnificent, was a main
11 driver of your sentence there. But I would suggest, Judge,
12 that even someone with as great a character as Mike
13 Verzaleno, Jr., had to learn that from somewhere. And I think
14 there's a very -- I think the Verzalenos have made it very easy
15 for us to figure out where.

16 I was struck by Mike's first grandson's letter because he
17 is also Mike Verzaleno. And --

18 **THE COURT:** Did I see it right, does he actually go
19 by Junior Junior?

20 **MR. INTRATER:** Junior Junior.

21 **THE COURT:** He does go by Junior Junior?

22 **MR. INTRATER:** Junior Junior.

23 **THE COURT:** Okay. All right.

24 **MR. INTRATER:** And I thought that his letter was
25 wonderful, and it evinced great pride at being a Mike

1 Verزالeno, because, and I'll go back to it, there are not a lot
2 of them around.

3 The adversity that Mike Verزالeno, Sr., has overcome, and
4 the way in which he has shown up in the lives of those who love
5 him, I submit, humbly, Your Honor, should be taken into account
6 by the Court. And all we ask, really, is that the Court allow
7 Mr. Verزالeno, Sr., to continue to show up in his family's life
8 because he has a wife who is elderly and who needs him
9 desperately. He has a daughter who needs him desperately.

10 I don't think that he is helping out that much at KSC and
11 NPS, but to the extent that he can while his son is on home
12 detention, he -- if there's one thing that I know, he will show
13 up. He has been embarrassed by this, he has been profoundly
14 affected by it, even in his own quiet way.

15 You know, of course, there's no specific deterrence that
16 is necessary. I agree wholeheartedly with the Court that
17 general deterrence is very important in these types of cases,
18 and that general deterrence can be served without an
19 incarceratory sentence. Why? Because I don't think that you
20 could find a lot of patriarchs of family businesses who would
21 willingly change places with Mike Senior right now.

22 This offense has affected him profoundly. And I think
23 that those in similar positions would know that the shame of
24 it, the financial burden of it, having to deal with something
25 like this year in and year out, day in and day out, is

1 punishment.

2 We do not ask, and we did not ask in our sentencing memo,
3 for no punishment whatsoever. All we ask is for the Court to
4 recognize that pursuant to the factors in 3553(a),
5 particularly, of course, in 3553(a)(6), that a sentence that
6 does not include incarceration is the appropriate sentence here
7 and is the sentence that is sufficient but not greater than
8 necessary to effectuate the purposes of the Sentencing Reform
9 Act.

10 Your Honor, if you have anything else, I'm happy to answer
11 your questions, of course; otherwise, I would bring
12 Mr. Verzaleno, Sr., up to make a statement.

13 **THE COURT:** Okay. All right.

14 And Mr. Verzaleno, let me just remind you, you don't have
15 to say anything. You have the absolute right to remain silent
16 I will not hold your silence against you.

17 **THE DEFENDANT:** I understand that, Your Honor. I
18 understand that.

19 **THE COURT:** Okay. All right. Go ahead.

20 **THE DEFENDANT:** Thank you.

21 Good afternoon, Your Honor. I will be brief. This is not
22 because I lack respect for the Court on this process, or
23 because I am downplaying it in any way my role in the offense.
24 Please do not take it that way. It's just that I am a quiet
25 person generally and do not talk too much.

1 I stand before you extremely, extremely remorse for my
2 actions. I appreciate that the government recognized I played
3 only a minor role in the offense. But nonetheless, I am
4 terribly sorry for my part. This episode has been the worst
5 time of my life, and I have had some pretty difficult times.

6 I am sorry that we involved our family business in this
7 offense because it stained -- it's a stain on what I am
8 otherwise enormously proud of.

9 Until my condition got bad, I worked hard every day for
10 about 65 years. My son has worked hard every day. We are very
11 close with our employees and many of them have been with us for
12 decades, really becoming part of our extended family. I am
13 proud of that, the role we play in our employees' lives. I am
14 proud of the real work that we did and continue to do.

15 But I'm not proud of our actions, my actions in this case.
16 I am ashamed of them. I am truly ashamed of them.

17 Judge, the worst part of this whole terrible time has been
18 the possibility of having to leave my wife and my daughter home
19 without me. I ask you very respectfully to allow me to stay
20 with my wife and my daughter. I believe they need me very
21 much, and I would like to be allowed to take care of them in
22 whatever way you see fit. I just ask for you to allow me to
23 stay with them.

24 Thank you for your time, Your Honor.

25 **THE COURT:** So all the defendants have been here for

1 each other's sentencing, and everything that I have said in
2 your son's sentencing regarding the seriousness of this offense
3 certainly applies here.

4 With recognition, though, Mr. Verzaleno, that you, the
5 government has stipulated to this, played a smaller role. It
6 looks like you kickstarted the events and then faded into the
7 background. So I find it noteworthy that you -- it's sincere
8 that you carry the remorse of what you got started today.

9 You're 80 years' old in May.

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Congratulations --

12 **THE DEFENDANT:** Thank you.

13 **THE COURT:** -- for a long and very, very productive
14 life.

15 **THE DEFENDANT:** Thank you. Thank you.

16 **THE COURT:** This is an extremely serious offense, but
17 it -- it -- it is -- it is not the only thing that defines you.
18 And just as I explained for your son's sentencing, I have to
19 look at all of it.

20 I do find it noteworthy that you and the government have
21 come to an agreement by which, even under the guidelines, which
22 really only measure two things, they measure the seriousness of
23 the offense, they measure what happened in this case, and
24 criminal history.

25 Under the agreed-upon sentencing range, essentially,

1 you're at what they call a Zone C, 10 to 16 months. The
2 government is asking, again, for the high end. But that zone
3 allows -- if I weren't taking anything else into account but a
4 guideline sentence, I could actually impose a split sentence,
5 meaning I could impose half of whatever is in that guideline
6 range as prison and half on home detention, all things being
7 equal, I suppose, is the way to put it.

8 When I look at you and your individual history,
9 circumstances and characteristics, you, like your son, admitted
10 your responsibility. You immediately did what is expected of
11 individuals who take from others. You give it back. And that,
12 it should be done more. It isn't. I appreciate that.

13 And I think the signature for me, in terms of your history
14 and characteristics, is there aren't very many people who come
15 before me who are harder workers than you. I think about when
16 my son was nine years old, and the last thing he was thinking
17 about was getting a job and polishing door knobs and doing
18 whatever you could to make a dollar for you and your family.
19 And that just continued. When most kids relished their high
20 school years, yours were gone, you were already working at
21 Kearny Steel. And you have -- your lawyer is absolutely right,
22 you've experienced more tragedy alongside a lot of happiness
23 and pride, but more tragedy than most. And I consider all of
24 that.

25 You know, in your eight decades, you have done a lot to be

1 proud of, and all these individuals in this room are a
2 testament to that.

3 I balance against your role in this very, very, very
4 serious offense, as well as this aspect of this serious offense
5 which we've gone over. \$29 million loss, Kearnys, the
6 Verzalenos and Ms. Carrano, 3.5 million of that, and your
7 particular circumscribed role. When I look at all of that, I
8 do believe that the sufficient but not greater than necessary
9 sentence is the following:

10 Time served, which I believe was at least one, it's
11 possibly two days. I don't know. You were arrested on
12 September 20th, 2023, and released the same day. That counts
13 as one day. So that's your time served.

14 Three years of supervised release. And in addition to the
15 standard and mandatory conditions, I will take five months of
16 that and place you on home detention with electronic monitoring
17 for five months.

18 **THE DEFENDANT:** Thank you, Your Honor.

19 **THE COURT:** And that takes the place of an
20 incarcerable term, in my view.

21 Prison, as some of you here know, is -- it is very, very
22 hard on the mind, but it's even harder on the body. And at 80
23 years old, it seems, in my view, to be overly punitive for the
24 role that you played when you played it, balanced against all
25 of the other individual history and characteristics.

1 At the same time, it's warranted, that for five months,
2 you are reminded that you are under the watchful eye of the
3 Court, and you have to ask permission, essentially, to live,
4 what has otherwise been your life, as your sanction.

5 As a fine, it will be a \$95,000 fine, which, again, is on
6 the higher end of the fine. It's due and payable immediately.

7 There's a \$100 special assessment, which is due and
8 payable. Hopefully you'll get that square so you don't have to
9 worry about it on supervised release, but due and payable
10 during your term of supervision.

11 The electronic monitoring will be at your own expense.
12 And I -- the restitution amount of \$3.5 million, plus interest,
13 is payable immediately, and it will be forwarded to Citrus and
14 Allied. It is joint and several with the codefendants. And I
15 believe that handles all aspects of the sentence. Let me make
16 sure.

17 Oh, okay. And the order of forfeiture.

18 I'm not -- I'm not inclined to -- Mr. Finneyfrock, maybe
19 you can speak to me about this, I'm not inclined to impose the
20 special conditions of substance abuse or mental health
21 treatment given that Mr. Verzaleno has his hands full with his
22 own physical health. But is there anything you want --
23 additional you want me to consider in that regard?

24 **PROBATION OFFICER:** No, Your Honor. We would defer
25 to the Court.

1 **THE COURT:** Okay. All right.

2 I'm sorry, Mr. Ulander is, again, making me fly straight,
3 not curvey.

4 I did give Mr. Verzaleno, Jr., 30 days to pay the fine, so
5 I will give Mr. Verzaleno, Sr., the same, so within 30 days to
6 pay that fine.

7 I believe that handles all aspects of the sentence.

8 Mr. Wenner, have I missed anything?

9 **MR. WENNER:** No, Your Honor. Just the government
10 would move to dismiss the remaining open counts, which I
11 believe are Counts Two through Eighteen in the indictment.

12 **THE COURT:** Okay. And I will grant that. That is a
13 reasonable request under Rule 11(c)(1)(A). I am also going to
14 sign the preliminary order of forfeiture in the sentencing,
15 which I do believe was agreed upon in the sentencing?

16 **MR. INTRATER:** Yes, Your Honor.

17 **THE COURT:** For the same money judgment of
18 \$1 million. That will get signed today.

19 And Mr. Verzaleno, Sr., if I didn't say it, let me just
20 remind you, the electronic monitoring, the home detention will
21 allow you to have release for medical, work, and other
22 obligations that are precleared by Probation; and that the
23 restitution amount is joint and several with -- I think I
24 actually did, but I'll say it again, it's joint and several.

25 Okay. So Mr. Verzaleno, if you are dissatisfied with my

1 sentence, do speak with your counsel about that. I don't
2 remember whether you gave up your right to appeal. But if you
3 are to appeal, you have to do so within 14 days.

4 And like your son, I do wish you the best of luck.

5 **THE DEFENDANT:** Thank you, Your Honor.

6 **MR. INTRATER:** Thank you, Your Honor.

7 **DEPUTY CLERK:** All rise. This Honorable Court now
8 stands in recess.

9 (Proceedings were concluded at 2:34 p.m.)

CERTIFICATE OF OFFICIAL REPORTER

I, Paula J. Leeper, Federal Official Court Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 3rd day of April 2025.

/S/ Paula J. Leeper

Paula J. Leeper, RPR, CRR
Federal Official Reporter

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